

12/9/2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Attorney Docket No. 555255012125

#30

Group Art Unit: 2153)
Examiner: Edelman, Bradley)
Inventor: Major et al.)
Serial No.: 09/545,962)
Filed: April 10, 2000)
For: Notification System and Method for a)
Mobile Data Communication Device)

**PETITION TO WITHDRAW
HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181(a)**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C., 20231 December 4, 2002

By George Kottan

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Attention: Office of Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby petition to withdraw the holding of abandonment set forth in the notice of abandonment mailed on November 4, 2002 for the reasons stated

below. Although this petition does not require a fee, MPEP 711.03(c), nevertheless the Commissioner is hereby authorized to charge any fees associated with this petition and any accompanying papers to Jones, Day, Reavis & Pogue's Deposit Account No. 50-1432, account 555255-012125.

Pursuant to MPEP 711.03(c) and 37 CFR 1.181(a), applicants hereby request withdrawal of the holding of abandonment of this application on the grounds that the Notice of Allowability mailed on June 26, 2002, was not received by the attorney for the applicants, and therefore the issue fee was not timely paid, leading to the issuance of the Notice of Abandonment on November 4, 2002. A copy of the Notice of Abandonment is attached hereto as Tab 1. Applicants respectfully assert that the application is not in fact abandoned because the applicants representative did not receive the original Notice of Allowability.

As required by MPEP 711.03(c), applicants enclose proof to establish nonreceipt of an office communication in the form of the practitioner statement attached at Tab 2. In the statement, the practitioner states that the office communication, the Notice of Allowability, was not received by the practitioner and attests to the fact that a search of the file jacket and docket records indicates that the office communication was not received. A copy of the docket record where the nonreceived office communication would have been entered had it been received and docketed is attached to and referenced in the practitioner's statement. The practitioner's statement is deemed by the applicants to be sufficient proof of the nonreceipt of the Notice of Allowability.

Therefore, withdrawal of the holding of abandonment of this application is believed to be proper and respectfully requested. Applicant additionally requests that a new Notice of Allowability be mailed.

Respectfully submitted,

JONES, DAY, REAVIS & POGUE
Attorneys for Applicants

Date: 12/4/02

By: David B. Cochran
David B. Cochran
Reg. No. 39,142

North Point
901 Lakeside Ave.
Cleveland, Ohio 44114

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**PRACTITIONER STATEMENT
IN SUPPORT OF
PETITION TO WITHDRAW
HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181(a)**

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By Jaune Korman

PRACTITIONER STATEMENT OF DAVID B. COCHRAN

I hereby declare and state as follows:

1. I represent Research In Motion Ltd., the assignee, in connection with the above-referenced patent application. I am the practitioner who drafted, filed and is prosecuting this patent application.

2. On March 29, 2002, I mailed a Request for Continuing Examination, along

with an Amendment, to the United States Patent and Trademark Office in this application.

3. Subsequently, on November 4, 2002, I received a Notice of Abandonment.

4. Between March 29, 2002 and November 4, 2002, I did not receive any correspondence in this application from the United States Patent and Trademark Office.

5. Following receipt of the Notice of Abandonment, one of my associates contacted the Examiner in charge of this application, Bradley Edelman, who indicated that a Notice of Allowability had been mailed out on June 26, 2002.

6. I did not receive the Notice of Allowability.

7. I immediately initiated a search of the File Jacket for this application maintained in my office and did not find the Notice of Allowability.

7. I also initiated a search of the computerized docket records maintained in my office and determined that the docket record for this application indicated that the Notice of Allowability was never received. A marked up copy of this docket record is attached hereto as Tab 3. The position in the docket entries marked with the letter A is where the indication would have been made in the normal course of our business if the Notice of Allowability had been received. The entry marked with the letter B shows the mailing of the RCE with Amendment on March 29, 2002. The text marked with the letter C further demonstrates that between March 29, 2002 and November 4, 2002, no correspondence regarding the Notice of Allowability was received, as this would have been further noted in this Remarks section of the docket entry.

8. I hereby declare that all statements made herein of my own knowledge are

true and that all statements made on information and belief are believed to be true;
and further that these statements were made with knowledge that willful false
statements and the like so made are punishable by fine or imprisonment, or both, under
Section 1001 of Title 18 of the United States Code, and the such willful false testimony
may jeopardize the validity of the application or any patent issuing thereon.

Date: 12/4/02

By: David B. Cochran
David B. Cochran
Reg. No. 39,142

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901 Lakeside Ave.
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